



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

December 20, 2023

VIA ECF

The Honorable Judge Jesse M. Furman
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 18.

SO ORDERED.

December 20, 2023

Re: **SEC v. Mmobuosi, et al., No. 23 Civ. 10928 (JMF)**

Dear Judge Furman:

We represent Plaintiff Securities and Exchange Commission (the “Commission”) in the above-referenced matter. As directed by the Court at Monday’s teleconference, we write to request the Court’s permission, *nunc pro tunc*, to file a Memorandum of Law in Support of the Commission’s Emergency Application for an Order to Show Cause, Temporary Restraining Order, and Preliminary Injunction Including an Asset Freeze and Granting Other Relief (the “Emergency Application”) (Dkt. No. 7) in excess of the Court’s 25-page limit for memoranda of law. The Commission specifically requests leave, *nunc pro tunc*, to file a single 49-page brief in support of its Emergency Application. The Commission respectfully submits that good cause exists for an extension of the page limits and that the requested extension is reasonable because the Emergency Application required that the Commission (i) detail a complex fraudulent scheme, and extensive cover-up effort, which Defendant Mmobuosi ran through multiple corporate defendants over a several-year period; (ii) synthesize a voluminous record of evidence submitted in support; and (iii) apply those facts and that evidence to demonstrate both the Commission’s likelihood of success on the merits as to each of the sixteen securities laws violations alleged in the Complaint and its entitlement to the emergency relief sought.

In addition, the Commission respectfully requests, *nunc pro tunc*, the Court’s permission for the Commission to file PDF slipsheets on ECF in place of certain exhibits to the Declaration of Michael S. DiBattista (the “DiBattista Declaration”). In support of the Commission’s Emergency Application, the Commission submitted the DiBattista Declaration, which appended 141 exhibits. (Dkt. Nos. 15–17). Seven of those exhibits consisted of files produced to the Commission in its investigation of this matter in native, Microsoft Excel format. *See* DiBattista Decl. Exs. 90, 92, 94, 96, 129, 135, 141. Due to the size, and the number of columns and/or tabs contained in these native Microsoft Excel files, printing these documents is impracticable, and

they are rendered unintelligible when converted into a PDF/A format compatible with the Court's ECF filing systems. The Commission accordingly requests leave, *nunc pro tunc*, to file PDF slip sheets in place of these seven documents. *See* Dkt. Nos. 16-40, 16-42, 16-44, 16-46, 17-29, 17-35, 17-41. The Commission has provided true and correct copies of the native files to the Court and to defense counsel through their respective file transfer protocols.

The Commission has conferred with the counsel that appeared on behalf of the Defendants at the December 18, 2023 conference, who do not object to the above-described requests.

We appreciate the Court's attention to this matter.

Respectfully submitted,

/s/ David Zetlin-Jones / Michael DiBattista

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Counsel to SEC

cc: Counsel of record (by ECF)
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